



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 130-1	Subject: INTERSTATE COMMISSION TRANSFERS	
Reference: 46-23-1031, MCA ; 46-23-1115, MCA	Page 1 of 7	
Effective Date: 09/04/01	Revision Dates: 11/15/01; 03/06/04; 03/01/05; 08/01/05; 08/20/07; 04/22/08; 06/14/10; 06/30/11; 07/25/12; 11/20/14	
Signature / Title: /s/ Cathy Gordon, Deputy Compact Administrator		

I. BUREAU DIRECTIVE:

Probation & Parole Bureau employees shall be familiar with the interstate transfer process and will follow established procedures concerning the transfer of offenders between Montana and other states. All transfer requests shall be submitted to the Montana Adult Interstate Bureau.

II. DEFINITIONS:

Department/DOC – The Montana Department of Corrections.

Interstate Bureau – The Montana Adult Interstate Bureau.

Interstate Commission – A commission made up of representatives appointed by the governor of each state to ensure interstate transfers are processed per federal law and state statute.

OMIS-Offender Management Information System – The Department's electronic data collection and reporting system.

Receiving State – The state assuming supervision of an offender at another state's request.

Resident Family – A parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who 1) has resided in the receiving state for 180 days or longer as of the date of the transfer request; and 2) indicates willingness and ability to assist the offender as specified in the plan of supervision.

Resident – A person who has continuously inhabited a state for at least one (1) year prior to the commission of the offense for which the offender is under supervision, and who intends that such state shall be the person's principle place of residence and has not, unless incarcerated, relocated to another state or states for a continuous period of six (6) months or more with the intent to establish a new principle place of residence.

Sending State – The state requesting the transfer of an offender's supervision.

Sex Offender – An adult who is required to register as a sexual offender either in the sending or receiving state and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.

Subsequent Receiving (Third) State – A state to which an offender is transferred that is not the sending state or the original receiving state.

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Substantial Compliance – When an offender is sufficiently in compliance with the terms and conditions of his/her supervision so as not to result in initiation of revocation of supervision proceedings by the sending state.

Violent Crime – Any crime involving the unlawful exertion of physical force with the intent to cause injury or physical harm to a person; or an offense in which a person has incurred direct or threatened physical or psychological harm as defined by the criminal code of the state in which the crime occurred; or the use of a deadly weapon in the commission of a crime; or any sex offense requiring registration.

III. PROCEDURES:

A. Eligibility Requirements

1. A receiving state shall accept supervision if the offender:
 - a. Has 90 days or an indefinite period of supervision at the time the sending state transmits the transfer request;
 - b. Is in substantial compliance with the terms of supervision in the sending state; and
 - c. Is a resident of receiving state; or
 - d. Has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision, and can obtain employment or has means of support; and
 - e. Has a valid plan of supervision.
2. A receiving state may approve the transfer of supervision of an offender who does not otherwise qualify for a transfer. Before approving, the receiving state will investigate the home and prospective employment of offender. The Interstate Bureau shall be notified by the Probation & Parole (P&P) Officer when an offender is requesting to transfer if he/she is a resident of another state, or in an emergency situation.
3. Funds collected from the interstate transfer application fees will be used to pay for Montana's membership to the National Commission for Adult Offender Supervision.

B. Conditional Release Offenders

Refer to *P&P 150-6 Conditional Release of DOC Offenders*.

C. Military Members

An offender who is a member of the military and has been deployed to another state shall be eligible for reporting instructions and transfer of supervision. Military orders for offender must be provided.

D. Offenders Who Live With Family Who Are Members of the Military

An offender, who meets the criteria and lives with a family member who has been deployed to another state, shall be eligible for reporting instructions and transfer of supervision provided the offender will live with the military member in the receiving state. Military orders for family member must be provided.

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E. Employment Transfer of Family Member to Another State

An offender who meets the criteria and whose family member, with whom he or she resides, is transferred to another state by their employer shall be eligible for reporting instructions and transfer provided that the offender will live with the family member in the receiving state. Employment letter for family member must be provided.

F. Employment Transfer of Offender

An offender who meets the criteria and is transferred to another state by an employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer. Employment letter for offender must be provided.

G. Transfer of Supervision of Sexual Offenders

1. **Eligibility for Transfer:** At the discretion of the sending state, a sexual offender shall be eligible for transfer to a receiving state under the Interstate Compact rules. The offender shall not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state.
2. **Application for Transfer:** In an application for transfer of supervision of a sexual offender, the sending state shall provide all information, if available, to assist the receiving state in supervising the offender:
 - a. Assessment information, including sexual offender specific assessments;
 - b. Social history;
 - c. Information relevant to the offender's criminal sexual behavior;
 - d. Law enforcement report that provides specific details of sex offense;
 - e. Victim Information:
 - i. the name, sex, age and relationship to offender
 - ii. statement of the victim or victim's representative; and
 - f. The sending state's current or recommended supervision and treatment plan.
3. **Reporting Instructions for sexual offenders** living in the receiving state at the time of sentencing:
 - a. The receiving state shall have five (5) business days to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instructions. **Offender must remain in Montana pending reporting instructions.** If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
 - b. No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state.

H. Transfers of Veterans for Medical or Mental Health Services

An offender who meets the criteria and is a veteran of the United States military services who is eligible to receive health care through the U.S. Department of Veterans Affairs, Veterans Health Administration and is referred for medical and/or mental health services by the Veterans Health Administration to a regional Veterans Health Administration facility in the receiving state shall be eligible for reporting instructions and transfer of supervision provided:

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1. The sending state provides documentation to the receiving state of the medical and/or mental health referral; and
2. The transfer of supervision will be accepted if the offender is approved for care at the receiving state's Veterans Health Administration facility.

I. APPLICATION PROCEDURES:

RESPONSIBILITY:

- | | |
|---|-------------------------------------|
| 1. A residence and employment plan is submitted to the supervising Officer/IPPO when requesting transfer to another state. | Offender |
| 2. Offender is informed of the interstate transfer application fee and waiver procedure. | P&P Officer |
| a. An offender <u>sentenced in the state of Montana</u> is required to pay an interstate transfer application fee of \$50 which must be attached to the original, signed <i>Interstate Offender's Application for Interstate Compact Transfer</i> and submitted to the Interstate Bureau. Applications will not be processed without the fee attached. The only acceptable forms of payment are money orders or cashier's checks made out to the Department. Offenders incarcerated in a prerelease or correctional facility may have an inmate account check issued to the DOC. The fee is paid for each application submitted. Offender will receive a receipt for the amount paid. | P&P/ISP Officer
IPPO/PRC Liaison |
| b. The Regional Administrator (RA) or POII may determine the fee will result in a significant financial hardship to the offender and may request a reduced fee as a first option, or waive the fee as a second option. Using <i>P&P 130-1(B) Interstate Application Fee Waiver Request</i> , the RA/POII/IPPO will recommend approval or denial of fee reduction or waiver and submit to the Interstate Bureau Chief. The Bureau Chief has final say in the approval or denial of all waivers. Any failure to pay the application fee without securing a hardship waiver will result in the application being returned. | RA/POII/IPPO |
| c. All third state transfers are required to pay the \$50 interstate transfer application fee to the Interstate Bureau and may also be required to pay an interstate transfer application fee to the sending state. | Offender |
| 3. A <i>Transfer Request</i> can be completed in conjunction with <i>P&P 130-1(A) Interstate Transfer Request Checklist</i> to ensure all required information is included; however, this is not mandatory. | P&P Officer |
| 4. Employment and residence plan in other state is verified. Verification must be made by phone or email contact. A P.O. Box number is unacceptable for an address. | P&P Officer |

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5. The *Request for Reporting Instructions* is submitted to Interstate Bureau **if** the offender is a returning resident, was residing in that state at the time of sentencing, or has emergency circumstances. The *Request* will only be submitted in conjunction with a complete transfer request (see #3 above). All required documentation will be submitted by email or fax; **only the original, signed application and application fee shall be mailed**. Interstate Bureau will submit the *Request for Reporting Instructions* to the receiving state if the requirements are met. Officers **DO NOT MAKE OMIS MOVES** when offender leaves on reporting instructions. P&P Officer

- All other offenders will remain in Montana until the investigation is complete. **DO NOT GIVE TRAVEL PERMIT** pending transfer if offender does not have reporting instructions. P&P Officer

6. If an offender is a resident of another state or was residing in that state at sentencing, the offender can be given a seven (7) day travel permit to return to their resident state. Within the seven (7) days, a *Request for Reporting Instructions* must be submitted by email in conjunction with a complete transfer request. P&P Officer

7. The *Interstate Offender's Application for Interstate Compact Transfer* must be signed by offender **prior** to his/her departure. If offender refuses to sign any form or pay the fee, a travel permit will not be issued. P&P Officer

8. If offender is being sent to the receiving state on reporting instructions, *P&P 80-1(A) Travel Permit* is issued in accordance with *P&P 80-1 Travel Permits/In-State & Out-of-State*, which includes reporting instructions obtained from the receiving state. *Permit* is retained in OMIS. Officer then emails Interstate Bureau providing the date offender is leaving and when he/she is expected to arrive in receiving state. P&P Officer

9. *Transfer Request* must be submitted to Interstate Bureau electronically unless offender is in a facility. The *Request* shall include: P&P Officer
 - a. *Offender's Application for Interstate Compact Transfer*, original;
 - b. *Transfer Request*, original;
 - c. *P&P 130-1(A) Interstate Transfer Request Checklist*, optional;
 - d. \$50 money order for interstate transfer application fee or *P&P 130-1(B) Interstate Application Fee Waiver Request* (if applicable), original;
 - e. Copy of offender receipt for payment;
 - f. Judgment (original sentences and all revocations);
 - g. Information; Affidavit for Leave to File Information or Police Report;

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- h. *P&P 30-1(B) Pre-Sentence Investigation* or *P&P 30-1(D) PSI Questionnaire*;
- i. Psychological reports, if available;
- j. Medical documentation for serious conditions and any prescribed medication;
- k. Criminal history;
- l. Current supervision history, if on supervision more than 30 days;
- m. Conditions of supervision;
- n. Sexual/Violent offender registration information;
- o. Fine/Restitution information;
- p. Victim Information – on victim sensitive cases if victim wants notification only; any orders restricting contact; and
- q. Summary of prison discipline and mental health history during last two (2) years, if available.

Interstate Bureau

- 10. **OMIS movement shall be completed when offender's transfer request has been approved by the receiving state.**

P&P Officer

- 11. For **PAROLEES** and **CONDITIONAL RELEASE OFFENDERS**: Forward field file to Interstate Bureau when offender is officially accepted by receiving state.

P&P Officer

- 12. **Subsequent Receiving (Third) State Transfers for Out-of-State Offenders**

- a. Complete the following forms and submit originals to Interstate Bureau (copies for field file):
 - i. *Transfer Request*;
 - ii. *Request for Reporting Instructions* (only if immediate/emergency leave is needed);
 - iii. *Offender's Application for Interstate Compact Transfer*;
 - iv. \$50 interstate transfer application fee in the form of a money order or cashier's check made out to DOC; and
 - v. *Current Progress Report*.
- b. Once a date has been established for departure, email Interstate Bureau with the date offender is leaving and when he/she is expected to arrive in receiving state (use of *Notice of Departure* and *Case Closure Notice* is optional).
 - i. *P&P 80-1(A) Travel Permit* will be generated by OMIS.
 - ii. Interstate will close the case.

IV. CLOSING:

Questions concerning this procedure shall be directed to the RA or Interstate Bureau Chief.

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V. FORMS:

Interstate	Progress Report
Interstate	Offender's Application for Interstate Compact Transfer
Interstate	Request for Reporting Instructions
Interstate	Transfer Request
Interstate	Notice of Departure (optional)
Interstate	Case Closure Notice (optional)
P&P 130-1(A)	Interstate Transfer Request Checklist (optional)
P&P 130-1(B)	Interstate Application Fee Waiver Request
P&P 80-1(A)	Travel Permit - OMIS